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### REMARKS

This amendment is intended as a full and complete response to the non-final Office Action mailed May 20, 2004. In the Action, the Examiner notes that claims 1-15 are pending, of which claims 1-15 stand rejected. By this amendment, claims 1, 5, 14, and 15 have been amended, claims 2-4 and 6-13 continue unamended, and new claims 16-26 have been added.

In view of both the amendments presented above and the following discussion, the applicants submit that none of the claims now pending in the application are non-enabling, anticipated, or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Thus, the Applicants believe that all of the pending claims are now in allowable form.

### REJECTIONS

#### REJECTION OF CLAIMS UNDER 35 U.S.C. §102

The Examiner has rejected claims 1-15 under 35 U.S.C. 102(b) as being anticipated by Gordon et al. (WO 98/31115, hereinafter "Gordon"). The Applicants respectfully traverse the rejection.

The Applicants' have amended independent claim 1 to further clarify the inventive features thereof. Further, the Applicants' have amended independent claims 14 and 15 to now depend from independent claim 1. In particular, independent claim 1, as amended, recites:

"A system for providing access to an array of guide pages from an interactive program guide within constraints imposed by limited bandwidth available in a distribution network, the system comprising:

a distribution control center coupled to the distribution network;  
style="padding-left: 40px;"/>a session manager in the distribution control center for monitoring and controlling usage of demand-cast stream bandwidth within the distribution network; and

a transport stream generator for receiving demand-cast stream usage information from the session manager and using said information to control which demand-cast streams associated with guide pages of said array of guide pages are multiplexed into a transport stream for transmission to a plurality of terminals via the distribution network."  
(emphasis added).

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"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984)(citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added). The Gordon reference fails to disclose each and every element of the claimed invention, as arranged in the claim. That is, the Gordon reference does not teach or suggest "a transport stream generator for receiving demand-cast stream usage information from the session manager and using said information to control which demand-cast streams associated with guide pages of said array of guide pages are multiplexed into a transport stream for transmission to a plurality of terminals via the distribution network."

Gordon discloses:

[i]n particular, the session control manager (SCM) 220 forms an interface to the set top terminals as well as the DVM modules 202 and 204 and the control interface (e.g., VME bus 112 in FIG. 1) 224. The SCM's responsibilities include set top terminal sign-on and time out, authentication, configuration, and control protocol termination; alarm management and frequency assignment; session security; service selection and control; event notification and usage metering; and a subscriber's access to account information. Commands and requests from the set top terminals are processed by the SCM and appropriate requests are made to the file server to perform certain information navigation and movie-on-demand functions. (see Gordon, page 14, lines 4-16).

Nowhere is there any teaching or suggestion of an "array of guide pages." Specifically, "the TSG 704 models bandwidth usage for each IPG multiplexed transport stream that it is managing. Each demand-cast stream within each transport stream may be either active or inactive. Active streams are currently being multiplexed into the transport stream. Inactive streams are not currently being multiplexed into the transport stream" (see Applicants' specification, page 29, lines 27-30, emphasis added).

Further, Figure 8 depicts an example of a set of IPG pages for constant broadcast and other IPG pages for variable demand-cast in accordance with a

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preferred embodiment of the present invention. In the example shown in Fig. 8, 40 IPG pages are constantly broadcast and up to 30 IPG pages may be variably demand-cast. There are 10 guide pages per time slot, and the constant broadcast includes 10 guide pages for the current timeslot and 30 guide pages for the next three hourly timeslots. The variably demand-cast pages may be any pages within the guide page matrix that are not currently being broadcast. (see Applicants' specification, page 21, lines 21-28, emphasis added).

In fact, the Gordon reference is completely silent with respect to interactive program guide pages that can be demand-cast upon request by a user. Since the Gordon reference fails to teach, or even suggest, the Applicants' claimed feature of "a transport stream generator for receiving demand-cast stream usage information from the session manager and using said information to control which demand-cast streams associated with guide pages of said array of guide pages are multiplexed into a transport stream for transmission to a plurality of terminals via the distribution network," the Gordon reference fails to teach each and every element of the claimed invention, as arranged in the claim.

As such, the Applicants submit that independent claim 1 is not anticipated under 35 U.S.C. §102 and is fully patentable thereunder. Furthermore, dependent claims 2-15 depend, either directly or indirectly, from independent claim 1 and recite additional features thereof. As such and at least for the same reasons discussed above, the Applicants submit that these dependent claims are not anticipated under 35 U.S.C. §102 and are fully patentable thereunder. Therefore, the Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. §102 rejection.

#### THE SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

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**CONCLUSION**

Thus, the Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102 and the pending claims are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Steven M. Hertzberg, Esq. or Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

8/20/04

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